

**ASSEMBLY BILL**

**No. 1680**

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**Introduced by Assembly Member Saldana**

January 25, 2010

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An act to amend Section 51.7 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 1680, as introduced, Saldana. Civil Rights Act: waiver of rights.

The Unruh Civil Rights Act generally prohibits business establishments from discriminating on the basis of sex, race, color, religion, ancestry, national origin, disability, or medical condition. The Unruh Civil Rights Act provides civil remedies for violations of its provisions.

This bill would prohibit a person from requiring a waiver of the protections afforded under this act as a condition of entering into a contract or agreement or as a condition for the provision of goods and services. This bill would create a presumption that any waiver of the protections afforded under the act is in violation of the act unless the person that alleges the waiver verifies that the waiver is in writing and contains a statement that the waiver is voluntarily and knowingly made and is not made as a condition of either entering into an agreement or contract or for the provision of goods and services. These provisions would apply to contracts entered into, removed, altered, modified, or extended on and after January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 51.7 of the Civil Code is amended to read:

51.7. (a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

(b) (1) *No person, as a condition of entering into a contract or an agreement with, or for the provision of goods and services to, that person, shall require the waiver of any legal right, duty, remedy, forum, or procedure, including the right to file and pursue a complaint with any law enforcement agency, the Department of Fair Employment and Housing, or any other entity, for any violation of this section.*

(2) *No person shall refuse to enter into an agreement or contract with, or refuse to provide goods or services to, another person on the basis that the other person refuses to waive any legal right, duty, remedy, forum, or procedure, including the right to file and pursue a complaint with any law enforcement agency, the Department of Fair Employment and Housing, or any other entity, for any violation of this section.*

(3) *Any waiver of any legal right, duty, remedy, forum, or procedure, including the right to file and pursue a complaint with any law enforcement agency, the Department of Fair Employment and Housing, or any other entity, for any violation of this section, shall be expressed in writing with a statement that the waiver is voluntarily and knowingly made and that the waiver is not made as a condition of entering into an agreement or contract or as a condition of providing or receiving goods and services.*

(4) *Any waiver of any legal right, duty, remedy, forum, or procedure, including the right to file and pursue a complaint with any law enforcement agency, the Department of Fair Employment and Housing, or any other entity, for a violation of this section, shall be presumed to be in violation of this subdivision unless the*

1 *person alleging the waiver is able to verify that the waiver was*  
2 *made in accordance with paragraph (3).*

3 *(5) This subdivision shall only apply to an agreement or contract*  
4 *that is entered into, renewed, altered, modified, or extended on*  
5 *and after January 1, 2012.*

6 ~~(b)~~

7 *(c) This section does not apply to statements concerning*  
8 *positions in a labor dispute—~~which~~ that are made during otherwise*  
9 *lawful labor picketing.*